

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**VIRGIL MITCHELL,**

**Plaintiff,**

**vs.**

**STATE OF ALABAMA, *et al.*,**

**Defendants.**

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**CIV. ACT. NO. 1:24-cv-344-TFM-C**

**MEMORANDUM OPINION AND ORDER**

On November 6, 2025, the Magistrate Judge entered a report and recommendation which recommends this action be dismissed without prejudice for failure to timely serve Defendants pursuant to Fed. R. Civ. P. 4(m) and for failure to comply with pleading requirements. *See* Doc. 54. No objections were filed and the time frame has passed.

Accordingly, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge is **ADOPTED** and this action is **DISMISSED without prejudice** for failure to serve pursuant to Fed. R. Civ. P. 4(m) and failure to comply with the requirements of Fed. R. Civ. P. 8(a)(2) and 10(b).

A separate judgment will be entered pursuant to Fed. R. Civ. P. 58.

**DONE** and **ORDERED** this 23rd day of December, 2025.

/s/Terry F. Moorner  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE